

REMARKS/ARGUMENTS

Entry of this response and reconsideration and allowance of the above-identified patent application are respectfully requested.

Claims 1-23, 25-35, 38-42 and 44-47 were rejected in the office action. Claims 1, 5, 8, 10, 14, 17, 18, 20, 25, 35, 45, and 47 have been amended herein. Claims 33, 44, and 46 have been canceled. Claims 48-58 have been added. Therefore, following entry of the present amendment, claims 1-23, 25-32, 34, 35, 38-42, 45, and 47-58 will be pending in the present application.

Claims 1, 2, 4, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,675,648 to Roth ("Roth"). Claims 3, 5-7, and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roth in view of U.S. Patent No. 6,014,386 to Abraham ("Abraham"). In addition, claims 10-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roth in view of Abraham and further in view of U.S. Patent No. 6,452,482 to Cern ("Cern"). Finally, claims 35, 38-42, and 44-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roth in view of Abraham.

Applicant would like to thank Examiner Previl for conducting an in-person interview with applicant's representative. Applicant and Examiner Previl discussed the disclosure of Roth in comparison with the claimed invention. Although agreement as to specific claim amendment was not reached, the discussion with Examiner Previl was helpful in facilitating and progressing the prosecution of the present application.

Briefly, the present invention communicates data signals over a power line and, in one embodiment, includes a transformer 902 that induces an AC current from the high voltage

carried by the power line cable. The induced current is used to power a transceiver 903 that facilitates communication of the data signals via the power line.

Applicant has amended the claims to make explicit that the present invention is for use with power lines carrying a power signal that has voltage greater than one thousand volts. Specifically, independent claims 1, 8, 18, 25, and 35 have been so amended. Claim 5 has been amended to correctly depend from claim 4 (instead of claim 2). Claim 17 has been amended to add a term for antecedent basis purposes. Claim 35 has been additionally amended to more clearly indicate that the second voltage is induced from the current carried by the power line.

New claims 49 and 55, which depend from claims 1 and 8, respectively, are similar to pending claim 45. New claims 50 and 51, which depend from claim 1, and new claim 54, which depends from claim 8, are directed to a radio frequency transmission. Support for these claims are found throughout the present specification, and particularly on page 14, lines 3-6.

Claims 1, 2, 4, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roth. Specifically, the office action alleges that Roth discloses powering a transceiver from the AC voltage of a power line and that it would have been obvious to one of ordinary skill in the art to recognize that "inducing is equivalent to high voltage." (*Office Action dated August 13, 2003* at pages 2-3).

Roth discloses a *passive* coupler for bypassing a transformer. Thus, by definition of the term "passive", the device disclosed by Roth does not use a power source. Additionally, the schematic in Figure 2 of Roth illustrates a passive circuit and does not include a power supply. Therefore, the invention of Roth does not power the transceiver from the power line

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and, further, has no need to induce power from the power line. Additionally, Roth discloses use of power lines with a maximum voltage of 600 volts. (*Roth* - col. 3, lines 15-21). As amended, the present invention is for use with power lines carrying a voltage greater than one thousand volts.

Therefore, none of the prior art cited by the Examiner, alone or in combination, teach or suggest either inducing a voltage from a power line carrying a voltage greater than one thousand volts or powering the transceiver from an induced AC voltage signal.

Accordingly, applicant respectfully requests withdrawal of the rejection of claims 1, 2, 4 and 8. For the same reasons discussed above, applicant respectfully requests withdrawal of the rejections of claims 3 and 5-7, which depend from claim 1, and claim 9, which depends from claim 8. Because a claim that depends from a patentably distinguishable claim is also patentably distinguishable, applicant respectfully submits that claims 48-54, which depend from claim 1, and claims 55-56, which depend from claim 8, are in condition for allowance.

The Office Action similarly relies on Roth for the rejections of claims 18-23, 25-35, 38-42, and 44-47. All of the independent claims have been amended to clarify that the present invention is for use with power lines carrying a voltage greater than one thousand volts. Consequently, for the same reasons discussed above, applicant respectfully requests withdrawal of the rejections of claims 18-23, 25-35, 38-42, and 44-47. Because a claim that depends from a patentably distinguishable claim is also patentably distinguishable, applicant respectfully submits that claims 57, which depends from claim 18, and claim 58, which depends from claim 25, also are in condition for allowance.


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CONCLUSION

In view of the foregoing, applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Vincent J. Roccia at (215) 564-8946, to discuss resolution of any remaining issues.

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